

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – Land Acquisition – PJP – GADWAL - Mahabubnagar District – Pebbair (M) – Chelimella (Village) – O.P.No.90/2000 & batch (6 cases) - Sanction of decretal charges of **Rs.6,36,938/-** Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 212

DATE:24.03.2009

Read :

From the Special Collector (LA) Bheema Project, Mahabubnagar
District Lr.Rc.A4/166/2005, dt:30.08.2008.

O R D E R:

The Special Chief Secretary to Government and Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has informed that the Special Collector, SSP, Kurnool has submitted the proposals for sanction of final payment of decretal charges in respect of O.P.No.90/2000 & batch of (6 cases) pertaining to Chelimella (V) Pebbair (M) of Mahabubnagar District. The then Special Dy.Collector, LA, PJP, Gadwal had acquired the dry lands in Sy.No.350/2 etc for an extent of 12.26 gts of Chelimella (V) by fixing the market value @Rs.32,000/- & Rs.24,000/- per acre through Award No.33/99, dt:28.05.1999 for earth work excavation. The awardees have filed their petitions U/s.18 of the L.A.Act. The Sr.Civil Judge, Wanaparthi had delivered the judgment on 27.11.2002 and enhancing the market value fixed by the LAO from Rs.32,000/- & Rs.24,000/- to Rs.80,000/- & Rs.70,000/- per acre. Aggrieved with market value enhanced by the Lower Court, the SDC, LA, PJP, Gadwal has filed appeals before the Hon'ble H.C of A.P, Hyderabad against the judgment of the Sr.Civil Judge, Gadwal. The Hon'ble H.C of A.P, Hyd has granted interim stay orders and directed to deposit half of the decretal charges. Accordingly, an amount of Rs.9,50,743/- & Rs.1,50,534/- was sanctioned and the same deposited in the court of the Sr.Civil Judge, Wanaparthi. Finally, the Hon'ble H.C of A.P, Hyd has disposed the appeals on 27.11.2006 filed by the SDC, LA, PJP, Gadwal by confirming the judgments of Lower Court. In the instant case, the claimants have filed W.P.No.923/8, dt:24.01.08 in Hon'ble H.C of A.P, Hyderabad and ordered to deposit decretal amount within two months. SLP also filed and it was dismissed on 26.10.2007 & 23.03.07 by the Supreme Court of India by condoning the delay.

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.6,36,938/- (Rupees Six lakhs thirty six thousand nine hundred and thirty eight only)** in respect of O.P.No.90/2000 & batch of (6 cases) pertaining to Chelimella (V) Pebbair (M) of Mahabubnagar District subject to verification whether the reference under section 18 (1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Govt/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyd immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

(PTO)

3) The expenditure sanctioned in para (2) ante shall be debitable to following Head of Account under "4701-SMJH -01-Major Irrigation -M.H.122 Jurala Project G.H.11 - NSP- SH (27) - Canals and Distributaries - 530 Major Works - 532 Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

4) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.965/F2(2)/2009-1, dated 17.03.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To

The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.

The Special Collector, LA, SSP, Kurnool

The Engineer-in-Chief, Irrigation & CAD, Errammazil, Hyderabad.

The SDC, LA, PJP, Gadwal, Mahabubnagar.

The Director of Works Accounts, Hyderabad.

Copy to: P.S. to Minister (M& MI).

Finance (W&P) Department/File C.No.3210//LA-III(A2)/2009

SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER